

LEGAL SERVICES

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MEMORANDUM

April 28, 2015

SUBJECT: Location of Special Session

TO: Senator Dennis Egan
Attn: Jesse Kiehl

FROM: Doug Gardner
Director

You asked whether a special session called by the governor can convene in a location other than the capital. The short answer is, to comply with the Constitution of the State of Alaska and the Alaska statutes, unless otherwise directed by the governor, the legislature must convene in Juneau for the governor's special session.

Under art. II, sec. 9 of the Constitution of the State of Alaska, the governor may call a special session:

Special sessions may be called by the governor or by vote of two-thirds of the legislators. The vote may be conducted by the legislative council or as prescribed by law. At special sessions called by the governor, legislation shall be limited to subjects designated in his proclamation calling the session, to subjects presented by him, and the reconsideration of bills vetoed by him after adjournment of the last regular session. Special sessions are limited to thirty days. [Emphasis added.]

Although it may be unclear whether the phrase "as prescribed by law" in that section applies to the power of the governor to call a special session, the law, at AS 24.05, does provide guidance on the issue of a location of a special session. AS 24.05.090 states the general rule, that the legislature shall convene at the capital for any special session called by the governor.¹ AS 24.05.100(b) provides an exception to the requirement that the legislature convene at the capitol; it states "a special session may be held at any location

¹ AS 24.05.090, with emphasis added, states:

The legislature shall convene at the capital each year on the third Tuesday in January at 1:00 p.m. Each legislature has a duration of two years and consists of a "First Regular Session" that meets in the odd-numbered years, and a "Second Regular Session" that meets in the even-numbered years, and any special session that the governor or legislature calls.

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in the state." The statute continues, if a special session is called by the governor "is to be convened at a location other than at the capital, the governor shall designate the location in the proclamation." In this case, the governor's proclamation does designate a location for the special session: the legislative chambers in Juneau. Under the constitution, the law, and the proclamation, without additional instruction from the governor, it is my opinion that a court would conclude that the legislature cannot legally convene in a location other than Juneau.

It is possible that the legislature and the governor could agree, that conducting all or a part of a legislative session in Anchorage is in the best interest for Alaska, and by agreement the entire session or an agreed upon portion of the session could be held there. Agreement by the governor to conducting all or a part of the special session in Anchorage would not in my view, serve as precedent, detrimental to the governor's power to call a special session in Juneau under article II, section 9, or AS 24.05.100(a)(1)(D) in the future.

The legislature's other option to meet in Anchorage is to adjourn *sine die*, and call the legislature into special session as provided by article II, section 9 of the Constitution of the State of Alaska and AS 24.05.100(a)(2). In a special session called by the legislature, subjects are not limited, and the legislature could consider the subjects in the governor's prior proclamation, and also consider other subjects as the legislature deems necessary.

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